UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,166	05/03/2001	Michael Wayne Brown	AUS920000712US1	7663

24033	7590	10/06/2006

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EXAMINER
CHANG, JUNGWON

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/848,166	BROWN ET AL.
	Examiner	Art Unit	
	Jungwon Chang	2154	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 July 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *See Continuation Sheet* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *See Continuation Sheet* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Continuation of Disposition of Claims: Claims pending in the application are 1-4, 6-8,11-16,18,19,22-26,28-30,33-38,40,41,44-48,50-52,55-60,62,63,66-68 and 73-95.

Continuation of Disposition of Claims: Claims rejected are 1-4, 6-8,11-16,18,19,22-26,28-30,33-38,40,41,44-48,50-52,55-60,62,63,66-68 and 73-95.

FINAL ACTION

1.   This Action is response to Amendment filed 7/21/2006.

2.   Claims 1-4, 6-8, 11-16, 18-19, 22-26, 28-30, 33-38, 40-41, 44-48, 50-52, 55-60,

62-63, 66-68 and 73-95 are presented for examination.

3.   The rejection under 35 U.S.C. 101 is withdrawn in view of amendment.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-3, 8, 11-16, 18, 19, 22-25, 30, 33-38, 40, 41, 44-47, 52, 55-60, 62, 63,

66, 67, 73-77, 79-84, 86-91 and 93-95 are rejected under 35 U.S.C. 102(e) as being

anticipated by Blants (US 6,732,080).

6.   As to claims 18, 40 and 62, Blants discloses a method for generating a calendar

for a personal information management program (figs. 3-4; col. 1, line 62 – col. 2, line

15), comprising:

receiving selection of a time interval (col. 7, lines 61-65, "schedule time"; col. 17,

lines 22-24; col. 18, lines 33-39);

for the selected time interval, determining position coordinates of a wireless

device and time information indicating times when the position coordinates were

generated, wherein a user is associated with the wireless device (202, fig. 5; col. 14,

lines 34-42, "current position and time of the mobile terminal"; col. 2, lines 24-30);

processing the position coordinates and time information during the selected

time interval to determine whether a change in a series of the position coordinates at

times during the selected time interval indicates a predefined activity of the user

occurring during the selected time interval (fig. 4, "reschedule", "cancel"; 204, fig. 5,

"check if conflict with scheduled event"; col. 2, lines 16-52; col. 3, lines 31-37, "updates

the calendar as the location of events in the calendar changes"; col. 13, line 47 – col.

14, line 11; col. 14, line 27 – col. 15, line 33);

generating information on the predefined activity within the selected time interval

(fig. 4, "reschedule", "cancel"; col. 3, lines 31-37, "updates the calendar as the location

of events in the calendar changes"; col. 13, line 47 – col. 14, line 11; col. 14, line 27 –

col. 15, line 33); and

displaying information on the predefined activity of the user and the selected time

interval (col. 3, lines 15-24; col. 6, lines 42-67; col. 12, lines 31-40).

7.   As to claims 1 and 23, Blants discloses a method for providing user location .

information for a personal information management program (fig. 3), comprising:

        generating position coordinates of a wireless device (fig. 3, "event location") and

time information indicating times when the position coordinates were generated (fig. 3,

"event time"), wherein a user is associated with the wireless device (fig. 2);

        processing the position coordinates and time information to determine whether a

change in a series of position coordinates at times indicates a predefined activity of the

user occurring during an activity time period during which the position coordinates and

the time information were generated (fig. 4, "reschedule", "cancel"; 204, fig. 5, "check if

conflict with scheduled event"; col. 2, lines 16-52; col. 3, lines 31-37, "updates the

calendar as the location of events in the calendar changes"; col. 13, line 47 – col. 14,

line 11; col. 14, line 27 – col. 15, line 33); and

        generating information on the determined predefined activity for the activity time

period (fig. 4, "reschedule", "cancel"; col. 3, lines 31-37, "updates the calendar as the

location of events in the calendar changes"; col. 13, line 47 – col. 14, line 11; col. 14,

line 27 – col. 15, line 33).

8.   As to claims 2 and 3, Blants further discloses wherein the position coordinates

and time information are generated at the wireless device, further comprising:

        receiving from the wireless device the generated position coordinates and time

information to a server (22, figs. 1 & 4; col. 11, lines 34-45) and storing the generated

position coordinates and time information in a database (col. 13, line 59 – col. 14, line 11, "database of the calendar and scheduling server storing"; col. 14, lines 42-51), wherein the position coordinates and time information to determine the predefined activity during the activity time period and the locations and associated time periods where the user was present (fig. 4, "reschedule", "cancel"; 204, fig. 5, "check if conflict with scheduled event"; col. 2, lines 16-52; col. 3, lines 31-37, "updates the calendar as the location of events in the calendar changes"; col. 13, line 47 – col. 14, line 11; col. 14, line 27 – col. 15, line 33).

9.   As to claim 8, Blants further discloses wherein the position coordinates and time information are generated at the wireless device, further comprising:

receiving from the wireless device the generated position coordinates and time information to a server (22, figs. 1 & 4; col. 11, lines 34-45) and storing the generated position coordinates and time information in a database (col. 13, line 59 – col. 14, line 11, "database of the calendar and scheduling server storing"; col. 14, lines 42-51), wherein the position coordinates and time information to determine the predefined activity during the activity time period and the locations and associated time periods where the user was present (fig. 4, "reschedule", "cancel"; 204, fig. 5, "check if conflict with scheduled event"; col. 2, lines 16-52; col. 3, lines 31-37, "updates the calendar as the location of events in the calendar changes"; col. 13, line 47 – col. 14, line 11; col. 14, line 27 – col. 15, line 33).

10.   As to claims 11 and 15, Blants discloses receiving a request for information on

the user for a selected time interval (22, figs. 1 & 4; col. 11, lines 34-45); determining

one predefined activity occurring during the selected time interval (col. 11, lines 34-45);

and generating information on the determined predefined activity for the activity time

period (fig. 4, "reschedule", "cancel"; col. 3, lines 31-37, "updates the calendar as the

location of events in the calendar changes"; col. 13, line 47 – col. 14, line 11; col. 14,

line 27 – col. 15, line 33).

11.   As to claims 12 and 14, Blants discloses transmitting the generated information

to an initiator of the request for information to enable the initiator to display the location

information and time periods where the user of the wireless device was located for the

time interval (col. 3, lines 15-24; col. 6, lines 42-67; col. 12, lines 31-40).

12.   As to claim 13, Blants discloses wherein the initiator requesting the information

comprises a program installed on a computer, and wherein the generated information is

transmitted over the Internet to the computer (col. 9, lines 26-60).

13.   As to claim 16, Blants discloses wherein each position coordinate is expressed

as an x, y, z coordinate (col. 3, lines 7-27).

14.   As to claim 19, Blants discloses determining scheduled events for the user within

the selected time interval (fig. 3; col. 12, lines 41-54; col. 13, lines 7-16); and displaying

information on the determined locations and time periods where the user was located

for the selected time interval (col. 3, lines 15-24; col. 6, lines 42-67; col. 12, lines 31-40;

col. 13, lines 7-16).

15.   As to claim 22, Blants discloses the information is displayed in a calendar

Graphical User Interface (GUI; fig. 3; col. 12, lines 31-40).

16.   As to claims 24 and 25, they are rejected for the same reasons set forth in claims

2 and 3 above.

17.   As to claim 30, it is rejected for the same reasons set forth in claim 8 above.

18.   As to claims 33 and 37, they are rejected for the same reasons set forth in claims

11 and 15 above.

19.   As to claims 34 and 36, they are rejected for the same reasons set forth in claims

12 and 14 above.

20.   As to claim 35, it is rejected for the same reasons set forth in claim 13 above.

21.   As to claim 38, it is rejected for the same reasons set forth in claim 16 above.

22.   As to claim 45, it is rejected for the same reasons set forth in claims 1 and 23. In

addition, Blants discloses an article of manufacture including code method (col. 9, line

45 – col. 11, line 16).

23.   As to claims 46 and 47, they are rejected for the same reasons set forth in claims

2 and 3 above.

24.   As to claims 41 and 63, they are rejected for the same reasons set forth in claim

19 above.

25.   As to claims 44 and 66, they are rejected for the same reasons set forth in claim

22 above.

26.   As to claim 52, it is rejected for the same reasons set forth in claim 8 above.

27.   As to claims 55 and 59, they are rejected for the same reasons set forth in claims

11 and 15 above.

28.   As to claims 56 and 58, they are rejected for the same reasons set forth in claims

12 and 14 above.

29.   As to claim 57, it is rejected for the same reasons set forth in claim 13 above.

30.   As to claim 60, it is rejected for the same reasons set forth in claim 16 above.

31.   As to claim 67, it is rejected for the same reasons set forth in claims 1 and 23. In

addition, Blants discloses computer readable medium for providing user location

information for a personal information management program of a user at a wireless

device, wherein the computer readable medium includes at least one computer

readable data structure (col. 9, line 45 – col. 11, line 16).

32.   As to claim 73, Blants discloses determining locations of the wireless device

during the activity time period based on the position coordinates of the wireless device

during the activity time period (fig. 3; col. 12, lines 41-54; col. 13, lines 7-16), wherein

generating the information comprises generating information on the predefined activity

and the locations where the predefined activity occurred (col. 13, line 47 – col. 14, line

11; col. 14, line 27 – col. 15, line 33).

33.   As to claim 74, Blants discloses generating a record associating the determined

locations with the determined predefined activity (col. 13, line 59 – col. 14, line 11,

"database of the calendar and scheduling server storing"; col. 14, lines 42-51).

34.   As to claim 75, Blants discloses wherein determining the locations of the wireless

device during the activity time period comprises determining the position coordinates at

a first and last geographical locations of the wireless device at a first and last time periods of the activity time period (fig. 3).

35.　　As to claim 76, Blants discloses wherein determining the predefined activity comprises determining a rate of change in distance per unit of time of the position coordinates during the activity time period (fig. 4, "reschedule", "cancel"; 204, fig. 5, "check if conflict with scheduled event"; col. 2, lines 16-52; col. 3, lines 31-37, "updates the calendar as the location of events in the calendar changes"; col. 13, line 47 – col. 14, line 11; col. 14, line 27 – col. 15, line 33).

36.　　As to claim 77, Blants discloses wherein the predefined activity is a member of a set of predefined activities comprising at least one of driving, walking, running, bicycle riding, and flying in an airplane (fig. 3).

37.　　As to claim 79, Blants discloses determining locations of the wireless device during the activity time period based on the position coordinates of the wireless device during the activity time period (fig. 3; col. 12, lines 41-54; col. 13, lines 7-16), wherein generating the information comprises generating information on the predefined activity and the locations where the predefined activity occurred (col. 13, line 47 – col. 14, line 11; col. 14, line 27 – col. 15, line 33).

38.　　As to claim 80, it is rejected for the same reasons set forth in claim 73 above.

39.   As to claim 81, it is rejected for the same reasons set forth in claim 74 above.

40.   As to claim 82, it is rejected for the same reasons set forth in claim 75 above.

41.   As to claim 83, it is rejected for the same reasons set forth in claim 76 above.

42.   As to claim 84, it is rejected for the same reasons set forth in claim 77 above.

43.   As to claim 86, it is rejected for the same reasons set forth in claim 79 above.

44.   As to claim 87, it is rejected for the same reasons set forth in claim 80 above.

45.   As to claim 88, it is rejected for the same reasons set forth in claim 74 above.

46.   As to claim 89, it is rejected for the same reasons set forth in claim 75 above.

47.   As to claim 90, it is rejected for the same reasons set forth in claim 76 above.

48.   As to claim 91, it is rejected for the same reasons set forth in claim 77 above.

49.   As to claim 93, it is rejected for the same reasons set forth in claim 79 above.

50.   As to claim 94, it is rejected for the same reasons set forth in claims 1, 23 and 67

above. In addition, Blants discloses a server (20, fig. 1); code executed by the wireless

device that is adapted to generate position coordinates of the wireless device and time

information indicating times when the position were generated (col. 14, lines 36-51); and

code executed by the server that is adapted to (col. 9, line 45 – col. 11, line 16).

51.   As to claim 95, it is rejected for the same reasons set forth in claim 73 above.

Claim Rejections - 35 USC § 103

52.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

53.   Claims 4, 6, 7, 26, 28, 29, 48, 50, 51, 68, 78, 85 and 92 are rejected under 35

U.S.C. 103(a) as being unpatentable over Blants, in view of Contractor (US 6,847,824).

54.   As to claims 4 and 7, Blants further discloses providing a plurality of location

defining multiple location coordinates (event locations, fig. 3, "x y z"); for each location,

providing a location description including information describing the location (event

locations, fig. 3, "Oulu, Street A..."); for each generated position coordinate, determining

whether position coordinate is included in one of the provided location (col. 13, lines 7-

27); and processing the position coordinates and time information to determine

information on locations and associated time periods, wherein at least one location for

which information is determined includes multiple generated position coordinates and

the associated time period for the location includes the time information generated for

the position coordinates included in the determined location, wherein for each

determined location and associated time period, the user of the wireless device was

located at the location for the associated time period (figs. 3 & 5; col. 3, lines 25-37,

"determining the current location"; col. 14, lines 53-66; col. 15, line 47 – col. 16, line 38),

and wherein at least one determined location comprises one predefined location

including position coordinates, and wherein the information generated on at least one

location includes the location description for the predefined location comprising the

location (fig. 3). However, Blants does not specifically use a term "location boundaries".

Jiang discloses location boundaries (figs. 4-5; col. 6, line 60 – col. 7, line 67; col. 8, lines

1-19). It would have been obvious to one of ordinary skill in the art at the time of the

invention was made to combine the teachings of Blants and Jiang because Jiang's

location boundaries information would more precisely specify its location (col. 7, lines 5-

15).

55.   As to claim 6, Blants further discloses receiving location and location description

information from a transmitter (37, fig. 2, "transceiver").

56.   As to claims 26, 29, 48, 51, 68, 78, 85 and 92, they are rejected for the same

reasons set forth in claims 4 and 7 above.

57.   As to claims 28 and 50, they are rejected for the same reasons set forth in claim

6 above.

Conclusion

58.   Applicant's arguments filed 7/21/2006 have been fully considered but they are

not persuasive.

59.   Applicant asserts on page 23 of Remarks that nowhere does this cited col. 2

anywhere disclose the claim requirements of processing the position coordinates and

time information to determine whether a change in a series of position coordinates

indicates a predetermined activity for a selected time interval.

      The examiner respectfully disagrees. First, Applicant's arguments fail to comply

with 37 CFR 1.111(b) because they amount to a general allegation that the claims

define a patentable invention without specifically pointing out how the language of the

claims patentably distinguishes them from the references. Second, Blant explicitly

discloses processing the position coordinates and time information to determine

whether a change in a series of position coordinates indicates a predetermined activity

for a selected time interval (**fig. 4; 202-214, fig. 5; col. 16, 13-59, "if the flight is**

running late, or if the user has arranged to be on a different flight, the calendaring

and scheduling server 20 can reschedule the taxi"; col. 2, lines 16-52; col. 3, lines

25-37, "calendaring and scheduling server maintains the calendar and updates the

calendar as the location of events in the calendar changes, such as scheduled user

services and the receipt of information services at a specific time"; col. 13, line 47 – col.

14, line 11; col. 14, line 27 – col. 15, line 33).

Therefore, for the reasons above, claims 1-3, 8, 11-16, 18, 19, 22-25, 30, 33-38, 40, 41,

44-47, 52, 55-60, 62, 63, 66, 67, 73-77, 79-84, 86-91 and 93-95 are properly rejected

under 35 U.S.C. 102(e).

60.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

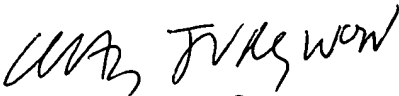than SIX MONTHS from the mailing date of this final action.

61.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jungwon Chang whose telephone number is 571-272-

3960. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John A Follansbee can be reached on 571-272-3964. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

September 29, 2006

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PRIMARY EXAMINER
TECHNOLOGY CENTER 2100